UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

FERRIS JOSEPH,	)	
	)	
Plaintiff,	)	**CASE NO: 06-4143**
	)	
v.	)	
	)	
CORPORATION OF THE PRESIDENT CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS, a Utah corporation sole, and CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF LATTER-DAY SAINTS, a Utah corporation sole,	)	PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES
	)	
Defendants.	)	

COMES NOW the plaintiff and designates the following person as an expert witnesses to testify on his behalf in the above-entitled matter in compliance with Rule 26(a)(2)(B):

Dr. Stephen P. Manlove, M.D.
636 St. Anne Street
Rapid City, SD 57701
(605) 348-8000

Attached hereto are the following:

a. Dr. Manlove's Report, identifying all exhibits relied upon (see "Sources of Information");
b. Curriculum vitae (separate);
c. List of previous testimony (separate); and
d. Statement of compensation (separate).

Dockets.Justia.com

Dated this __5th__ day of January, 2007.

_s/ Stephanie E. Pochop__
Stephanie E. Pochop
JOHNSON, EKLUND LAW OFFICE
P.O. Box 149
Gregory, SD 57533
(605) 835-8391

and

Adam D. Horowitz
HERMAN & MERMELSTEIN, P.A.
18205 Biscayne Boulevard, Suite 2218
Miami, Florida 33160
Telephone: (305) 931-2200

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the __5th__ day of January, 2007, she electronically served and mailed a true and correct copy of the foregoing Plaintiff's Designation of Expert Witnesses to James E. McMahon of McMahon Law Office, P.O. Box 1293, Sioux Falls, SD, attorney for the Defendants; and said mailing was by first class United States mail.

___s/Stephanie E. Pochop_____________
Stephanie E. Pochop

Manlove Psychiatric Group, P.C.
636 Saint Anne St. Ste. 100
Rapid City, South Dakota 57701
FIN: 46-0446577

Voice: 605-348-8000 – Facsimile: 605-348-4315 Email: email@manlovegroup.com

Stephen P. Manlove, M.D., DFAPA Sheryl J. Jackson, M.S., C.N.P. Kay L. Foland, C.P.N.P.

FORENSIC PSYCHIATRIC EVALUATION

1. **NAME:** Ferris Joseph

   DATES INTERVIEWED: 08/01/06 and 08/02/06

   AGE: 51 years old.

   DOB: 07/14/55

   SEX: Male.

   RACE: American Indian.

   MARITAL STATUS: Single.

   LIVING SITUATION: He lives with his niece and her husband in Sioux Falls, South Dakota.

2. **SOURCE OF REFERRAL:** Attorneys Jeff Herman, Stuart Mermelstein, and Stephanie Pochop.

3. **REFERRAL ISSUE:** To determine whether is would be reasonable to conclude that due to a repressed memory Ferris Joseph did not discover his childhood sexual abuse and/or that his emotional injuries were caused by the abuse until his trip to Canada in October of 2004.

4. **SOURCES OF INFORMATION:**
   - **A.** Interviews that I did with Ferris Joseph 08/01/06 and 08/02/06.
   - **B.** Letter from Ferris Joseph to Stuart Mermelstein dated October 13, 2005.
   - **C.** Written description by Ferris Joseph of the "elder white incident".
   - **D.** Letter from Adam Horawitz dated July 28, 2006.
   - **E.** Psychotherapy notes of Mark T. Hales, MSW, LICSW; LDS Family Services form 5/3/05 through 6/10/05.
   - **F.** Psychotherapy notes of Heather Hazel, MSW; Southeastern Behavioral Healthcare from 8/31/05 through 4/4/06.
   - **G.** Psychotherapy notes of Aaron Anthony; Southeastern Behavioral Healthcare from 4/11/06 through 8/29/06.

5. **QUALIFICATIONS OF EXAMINER:** Please see enclosed curriculum vitae.

6. **STATEMENT OF NON-CONFIDENTIALITY:** I explained to Mr. Joseph that I would use information that he shared with me as well as information made available to me by the sources to develop an assessment of the referral issues. I explained that my conclusion may or may not support his legal case. I explained that I would share my report with his attorneys. We talked about the fact that he and his attorneys may choose to share my report with others. Through this discussion Mr. Joseph came to understand that information that he shared with me would not be held strictly confidential. Mr. Joseph was able to describe an understanding of non-confidentiality in this setting.

7. **PAST PERSONAL HISTORY:** Mr. Joseph was born in Wagner, South Dakota and lived there until he was two years old. His family moved to Los Angeles where he lived between the ages of two and four. They then moved to Rapid City where he stayed with his family between the ages of four and ten. He spent one year in Pocatello, ID where he attended fifth grade. Between the ages of eleven and nineteen he lived in Sioux Falls. He attended Brigham Young University in Provo, UT between the ages of nineteen and twenty-one. He lived in Sioux Falls between the ages of twenty-one and twenty-four. He lived in Salt Lake City and attended the University of Utah from the age of twenty-four until twenty-eight. He moved to Sioux Falls for four or five months and lived in Salt Lake City between the ages of twenty-nine and thirty. He then lived in State College, PA and attended Penn State for two and one-half years between the ages of thirty and thirty-three. He moved to Brainerd, MN and lived there between the ages of thirty-three and thirty-five. He lived in Sioux Falls between the ages of thirty-five and thirty-six. He lived in Fort Thompson, SD between the ages of thirty-six and thirty-seven. He went back to State College, PA planning to do more graduate work at Penn State University but withdrew after three weeks. He returned to Sioux Falls where he lived between the ages of thirty-seven and forty-two. He moved to Fairbanks, AK and stayed there between the ages of forty-one and forty-two. He lived in Pickstown, SD between the ages of forty-two and forty-seven. He lived in Sioux Falls between the ages of forty-seven and forty-eight. He spent two months at Maraposa, CA. He moved back to Sioux Falls. He then went to Alberta, Canada where he spent four months. That was where he reports the memory of sexual abuse came back to him. He lived in Rapid City shortly after that and then moved to Sioux Falls where he has lived until present time.

8. **FAMILY HISTORY:** Mr. Joseph was one of ten children born to his biological parents. One of his siblings died when he was young. His father died at age 56. He was hit by a car in 1978. His father was one-half Indian and one-half Arab. His father was in the Navy and then in the Coast Guard. Before he died he was a police officer for the Bureau of Indian Affairs. His mother died at age 68. She was one-quarter Indian. She functioned as a housewife. She died in 1990 of a myocardial infarction. His mother and father divorced when he was a junior in high school. His mother remarried and had four children through her subsequent marriage. Mr. Joseph states that he is eleven thirty-seconds Indian.

   Mr. Joseph states that he had a large family, but it was close. He notes that they were very poor. He describes his father as having been a strict disciplinary. He notes that his father had a tender side also. He describes his mother as having been kind and soft hearted. There was no alcohol use by either her mother or father. He states that there was no abuse of any sort by either of his parents.

   Mr. Joseph began to have behavioral problems when he was in six or seventh grade. He started skipping school. He began drinking alcohol in eighth grade. He drank and smoked pot. He occasionally had fights. He was picked up for shoplifting. He was brought home by the police department after he was picked up shoplifting.

Mr. Joseph is not aware of any family history of mental illness.

Mr. Joseph reports that there is a family history of criminal behavior. He had a younger brother who died at age 28 of a cocaine overdose. That brother had been investigated for cocaine distribution. He died before his charges went to court.

Mr. Joseph notes that there is a positive family history of drug and alcohol use. One brother abused cocaine extensively and one brother abused both cocaine and alcohol extensively. He reports that both these brothers were sexually abused by the same Mormon Missionary that abused Mr. Joseph.

10. **SEXUAL AND MARITAL HISTORY:** Mr. Joseph has been married twice. He was married to his first wife, Diane Johnson, from 1979 until 1982. She said that he couldn't commit to her emotionally, so she initiated the divorce. They had no children. Mr. Joseph was married to his second wife, Terri Alexander, between 1983 and 1991. He notes that their relationship was rocky throughout. He states that it was primarily a physical relationship.

    Mr. Joseph has two sons. He has a 21 year-old son living in Tama, IA and a 19 year-old son living in Hayward, WI. He has had sporadic contact with them over the years mostly due to lack of finances on his part.

    Mr. Joseph states that he has had difficulty maintaining relationships. He has been told that severe sexual abuse subconsciously affected his behavior causing promiscuity.

    Mr. Joseph's age of first sexual involvement was 11 years old. He notes that his first sexual involvement was when he was sexually abused by a male Mormon Missionary in 1967.

    Mr. Joseph states that he has had approximately 38 sexual partners. All of them were women except for the male missionary who sexually abused him when he was 11 years old. He describes himself as being strictly heterosexual. He denies any history of non-consensual sexual encounters except when he was 11 years old with the male Mormon Missionary. He states that he has never sexually abused children.

11. **EDUCATIONAL HISTORY:** Mr. Joseph's terminal degree is a Masters Degree at Penn State University in education. He has a BA in Political Science and Mass Communications from the University of Utah. He notes that while he was at the University of Utah he got a C+ and B- average and while he was at Penn state he had a B average.

    Mr. Joseph notes that he had training to be a massage therapist in Mariposa, CA a few years ago. He has had no other upgrading, apprenticeships or training programs.

12. **EMPLOYMENT HISTORY:** Mr. Joseph's last pay job was for the Yankton Sioux Tribe where he was the CEO. He supervised department directors. He did that job for 21 months between October of 1997 and March of 1999. He notes that he lost the job when a new tribal counsel appointed a new CEO. He notes that while he was functioning as a CEO of the Yankton Sioux Tribe he also taught a class at the tribal college. Later he ran for tribal counsel also.

I will list past employment from most recent jobs to the earliest jobs.

A. December of 1996 until July of 1997 he was at Fairbanks, AK working as a director for Headstart. He also sold jewelry.
B. May of 1992 until November of 1997 he worked for the Christian Children's Fund doing administrative work. He made sure that funded projects were operating adequately. He notes that he was fired from that job because he pointed out that administrative costs were higher than reported. The reason they gave him for terminating his position was that he spent too much money on meals, but he told me that that is not correct.

C. Between January of 1991 and August of 1991 he worked for IHS as a health educator. He stopped that job because he accepted a fellowship and started a PH.D program at Penn State.

D. From December of 1999 until December of 1990 he was a case study specialist at the University of South Dakota School of Medicine on a project that was done between the University of South Dakota School of Medicine and the South Dakota Advocacy. That job ended when the grant ended.

13. **MILITARY HISTORY:** He was in the Army Reserves while he was at Penn State. He did basic training but he left when he had the chance because of a "defective enlistment".

14. **RELEVANT PAST MEDICAL HISTORY:**

A. **Childhood Illness:** He had pneumonia when he was around one and one-half or two years old.

B. **Medical Problems:** Nothing remarkable.

C. **Surgical Problems:**
   1. Hemorrhoidectomy
   2. Removal of ingrown toenails.

D. **Allergies:** Amoxicillin.

E. **Head Injuries:** Nothing remarkable.

F. **PPD:** Negative in the past.

G. **Medication:** None.

15. **DRUG AND ALCOHOL HISTORY:**

A. **Drugs:**
   1. **Age at first use:** 16 years old.
   2. **Type, frequency and severity of drug use:**
      a. Marijuana – He used marijuana between the ages of 18 and 26 at least three times per week.
      b. Hashish - He used at around age 31 for about one and one-half years.

B. **Alcohol:**

1. **Age at first use:** 15 years old.
2. **Pattern of use:** He quit alcohol use when he became involved with the Mormon Church. He notes that he has never drank to get drunk. He notes that in recent years he has drank around three or four nights each week and has tended to have 7 to 12 beers when he drinks. His last alcohol use was Friday July 28, 2006. He does not believe that alcohol has caused him any serious problems.

16. **LEGAL HISTORY:**

A. **Juvenile:** There were no charges.

B. **Adult:** When he was 18 years old he was picked up by the police department but he was never arrested.

17. **PSYCHIATRIC HISTORY:**

A. **Hospitalizations:** None.

B. **Psychotherapy:** He has been involved with several psychotherapists since he realized he was sexually abused. They are as follows:

1) Heather Hazel at Southeast Behavioral Healthcare from 8/31/05 until 4/4/06.
2) Aaron Anthony at Southeast Behavioral Healthcare from 4/11/06 until 8/29/06.
3) Mark Hales at Later Day Saints Family Services in Minneapolis for three sessions from 5/3/05 until 6/10/05.
4) He saw a therapist in Canada for ten sessions shortly after he recognized that he had been sexually abused.

18. **ACCOUNT OF SEXUAL ABUSE:** Mr. Joseph notes that when he was 9 years old he was baptized in a Mormon Church. He spent about one year at a placement program in Pocatello, ID. Two brothers who were close in age to him also went on this placement. When they finished that program and they came back to Sioux Falls.

When he was 11 years old, in 1967, two Mormon Missionaries approached his family. They came to his mother's house. His mother invited them in. The Missionaries began to pick he and his brothers up and take them to activities. At the time, the family was living in Flandreau, SD. Mr. Joseph notes that the Mormon Missionaries took Mr. Joseph to their apartment in Flandreau, SD. He notes that one of the Mormon Missionaries was named Robert White. He was from California. Robert White was 21 or 22 years old at the time. Mr. Joseph recalls being in a bedroom with Robert White. He notes that his brothers were generally with him. He has one memory of his brothers and he "playing with Robert White's pecker". Most of Mr. Joseph's memories are with Mr. Joseph and Robert White alone. He notes that Robert White was a smooth talker. Mr. Joseph does not know why he did not protest. Mr. Joseph recalls masturbating Robert White. He recalls Robert White performing anal sex on Ferris Joseph. He recalls being asked to and performing oral sex on Robert White. Mr. Joseph does not recall getting any sexual gratification from this.

Mr. Joseph believes that his brother, Michael, who is one year younger than he, was also sexually abused by Robert White. That brother died at 28 years old of a cocaine overdose. He also believes that his older brother, Randy, was sexually abused by Robert White. Randy lives in Sioux Falls, SD. Randy has indicated to Ferris Joseph that he was sexually abused by Robert White but he has been reluctant to be involved in the process that Mr. Joseph is involved with.

His brother Randy indicated to Mr. Joseph that his memory of sexual abuse came "out of regression" for him in 1996.

Mr. Joseph states that he had no conscious memories of abuse until October of 2004. Once he recognized that he had been sexually abused he began to consider the possibility that the sexual abuse had injured him. He notes that he wanted the Mormon Church to help him obtain psychotherapy and find work. He indicates that they were initially willing to be involved but then backed out. He saw an attorney to get help for this. He notes that the church offered a $5000.00 settlement. Mr. Joseph did not feel that that would be adequate to help take care of his problems.

19. PSYCHIATRIC DIAGNOSIS:

I. At the present time:

Axis I: Depressive Disorder Not Otherwise Specified
Post Traumatic Stress Disorder (Provisional)

Axis II: No diagnosis

Axis III: Good Health

Axis IV: Unemployed. Unable to live independently.

Axis V: GAF: 50

20. CONCLUSION: It is my opinion with reasonable medical certainty that it is reasonable to conclude that due to repressed memory Ferris Joseph did not discover his childhood sexual abuse and/or that his emotional injuries were caused by the abuse until his trip to Canada in October of 2004. My reasons for this are as follows:

1. There is no information that I have available which suggests that Mr. Joseph was aware of his childhood sexual abuse until his trip to Canada in October of 2004.
2. Mr. Joseph denies having any memory of his childhood sexual abuse until his trip to Canada in October of 2004.
3. It is known that traumatic memories are sometimes repressed and recovered later in the life of the person who was traumatized.
4. Problems that Mr. Joseph has had over his adult life: difficulties with emotional intimacy, sexual promiscuity, alcohol abuse, and difficulty obtaining employment are problems that are sometimes seen in individuals with a history of sexual abuse. Clearly those symptoms are seen in other situations also. Therefore, the fact that they are present does not prove that Mr. Joseph was sexually abused as a child, but they are consistent with a history of sexual abuse in childhood.
5. Mr. Joseph reports that he did not begin to consider the possibility that his life difficulties could be due to sexual abuse as a child until he entered dynamically oriented psychotherapy which helped him begin to make the connection. The psychotherapy began during his trip to Canada in October of 2004.

6. If Mr. Joseph's brother became aware of sexual abuse earlier, as Mr. Joseph reports occurred, and if his brother's sexual abuse occurred around the time of Mr. Joseph's alleged sexual abuse it lends credence to the notion that Mr. Joseph may have also been sexually abused within the same general time frame and by the same person.

Stephen P. Manlove, M.D.
cc:

SPM/bb
17868 – Joseph, Ferris – 20061017 – 3 – spm - bb

Manlove Psychiatric Group, P.C.
636 Saint Anne St., Suite 100
Rapid City, South Dakota 57701
FIN: 46-0446577

Voice: 605-348-8000 – Facsimile: 605-348-4315

Stephen P. Manlove, M.D., DFAPA Sheryl J. Jackson, M.S., C.N.P. Kay Foland, Ph.D., C.P.N.P

January 4, 2007

Johnson Eckland Law Firm
Fax: 835-8742
Attn: Alice

Dear Alice:

Per your request I am forwarding the information regarding Dr. Manlove's fees for forensic evaluations.

The fee is $300 per hour, with a minimum of four hours. This includes two one-hour visits with the client, review of pertinent records, report preparation, and anything else, which might be necessary to complete the report.

If you have need of further information, please do not hesitate to contact me.

Sincerely,

Rhonda Lewis
Office Coordinator

RL/rjl

Manlove Psychiatric Group

Stephen P. Manlove, M.D.

Manlove Psychiatric Group
636 St. Anne Street
Rapid City, SD 57701
(605)348-8000

E-mail: spm@manlovegroup.com

Education

College:	St. Olaf College, Northfield, Minnesota, 1973-1977
Graduate School:	Harvard University Divinity School, Cambridge, Massachusetts, 1977-1978
Medical School:	University of Minnesota Medical School, Minneapolis, Minnesota, MD 1978-1982
Residency:	Psychiatry and Internal Medicine, University of Virginia Medical Center, Charlottesville, Virginia, 1982-1987

Board Certification

The American Board of Internal Medicine, 1986 #110756
The American Board of Psychiatry and Neurology, 1992 #35859
The American Board of Psychiatry and Neurology, Added Qualifications in Forensic Psychiatry, 1996 #400

Medical Licensure

Virginia: #0101036858
South Dakota: #1887

Professional Positions

1987-1989	West River Mental Health Center, Rapid City, South Dakota
1989-Present	Private Practice, Rapid City, South Dakota

Present Academic Position

Psychiatry Coordinator, Rapid City Regional Hospital Family Practice Residency Program, Rapid City, South Dakota, 1995-2001

Teaching Activities

"Temporal Lobe Epilepsy," Grand Rounds, Western State Hospital, Staunton, Virginia, 1986
"Eating Disorders," Education Forum, Rapid City Regional Hospital, Rapid City, South Dakota, 1988
"Psychiatry and Oncology," Oncology Forum, Rapid City Regional Hospital, Rapid City, South Dakota, 1994
"Psychopharmacology for Psychologists," Rapid City, South Dakota, 1990
"Evaluation and Treatment of Depression of Physician Assistants," Rapid City, South Dakota, 1995
"Outpatient Management of Depression," Rapid City Regional Hospital Residency Program, Rapid City, South Dakota, 1996
"The Appropriate Use of the New Antidepressants," Rapid City Regional Hospital Grand Rounds, Rapid City, South Dakota, November 17, 2000

Hospital Committee Membership

Internal Medicine, Rapid City Regional Hospital, Rapid City, South Dakota	1989-Present
Member of Quality Assurance Committee	1992-2000
Western Providers Physician's Organization Board Member	1996-1998

Professional Memberships And Societies

American Medical Association	1982-Present
American Psychiatric Association	1992-Present
Elected Fellow of the American Psychiatric Association	1998
Deputy Representative to the Assembly of the American Psychiatric Association	1994-Present
American College of Physicians	1982-Present
American Association of Psychiatry and Law	1995-Present
American College of Forensic Examiners	1995-Present

Current Professional Associations

Own and Direct:	The Manlove Psychiatric Group, P.C.
Consultant To:	Black Hills Children's Home Catholic Social Services Lutheran Social Services Wellspring, Inc.

Civic Activities

Co-Founder of Wellspring, Inc., 1990
A private, non-profit corporation which works with adolescents and their families

President of the Board of Directors of Wellspring Inc., 1990 to 1996

Board of Directors of Wellspring, Inc., 1990 to present

Board of Directors of Black Hills Specialty Physicians

Clinical Practice, Interests, And Accomplishments

Started Manlove Psychiatric Group in 1989 with one support person. Developed this into a multidisciplinary psychiatric clinic employing thirteen clinicians and nine support staff.

Start Decision Tree | Manlove CV | Gardiner CV | Furois CV
Morton CV | Quah CV | Scovel CV | Howard CV

Manlove Psychiatric Group, P.C.
636 Saint Anne Street
Rapid City, SD 57701

Phone: 605-348-8000
Facsimile: 605-348-4315
Email: email@manlovegroup.com

Clinical Offices in Rapid City, SD and Pierre, SD

Stephen P. Manlove, M.D., FAPA
Sheryl J. Jackson, M.S., C.N.P.
Sandra L. Miller, M.S., C.N.P.

James C. Gardiner, Ph.D., ABPN

Tom Kushman, Administrator

Stuart A. Morton, M.A., LPC/MH
Lin Quah, M.A., LPC

Kari Scovel, Ph.D., LPC/MH
Gregory B. Howard, Ph.D., M.S.W.
Mike Furois, Psy.D.